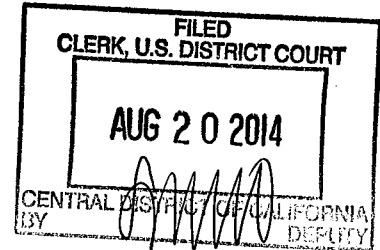


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JS-6



Attorneys for Plaintiffs
SWEET PEOPLE APPAREL, INC. d/b/a MISS
ME and RCRV, Inc. d/b/a ROCK REVIVAL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SWEET PEOPLE APPAREL, INC.
d/b/a MISS ME, a California
corporation, and RCRV, INC. d/b/a
ROCK REVIVAL, a California
corporation.

Plaintiffs,

v.

JEAN JACKET CLOTHING, INC., a
California corporation, KAMYAR
PENHASI, an individual, XYZ
COMPANIES 1-10, and JOHN AND
JANE DOES 1-10,

Defendants.

Case No.: 2:13-cv-07716 GAF (FFMx)

Hon. Gary A. Feess

**PERMANENT INJUNCTION
ORDER**

1 WHEREAS, the Plaintiffs in this action are Sweet People Apparel, Inc. d/b/a
2 MISS ME ("Sweet People"), and RCRV, Inc. d/b/a ROCK REVIVAL ("RCRV"); and

3 WHEREAS, the Defendants in this action are Jean Jacket Clothing, Inc. ("Jean
4 Jacket") and Kamyar Penhasi ("Penhasi"); and

5 WHEREAS, Sweet People owns U.S. copyright registrations for certain designs
6 it uses on and in connection with its MISS ME line of jeanswear products, including (i)
7 U.S. Copyright Registration No. VA 1-827-438, effective as of June 8, 2012, for its
8 Tribal Deco JW5416B Design; (ii) U.S. Copyright Registration No. VA 1-796-810,
9 effective as of December 1, 2011, for its Cypress Paisley JW5367B Design; (iii) U.S.
10 Copyright Registration No. VA 1-418-846, effective as of May 23, 2007, for its JP
11 4369 Back Pocket Design; (iv) U.S. Copyright Registration No. VA 1-807-380,
12 effective as of December 28, 2011, for its Split Fleur de Lis JW530TB3 Design; and
13 (v) U.S. Copyright Registration No. VA 1-785-057, issued on August 4, 2011, for its
14 CrossRoads JP5072 Design (collectively referred to as the "Sweet People Copyrighted
15 Designs"), copies of the registration certificates for and photographs of the Sweet
16 People Copyrighted Designs as they appear on MISS ME jeanswear products being
17 attached hereto as Exhibit A and incorporated herein by reference; and

18 WHEREAS, Sweet People owns a U.S. trademark registration for its FABRIC
19 CUT OUT DESIGN Trademark (U.S. Trademark Registration No. 4,065,486), a copy
20 of the registration certificate for and photograph of the FABRIC CUT OUT DESIGN
21 Trademark as it appears on MISS ME jeanswear products being attached hereto as
22 Exhibit B and incorporated herein by reference; and

23 WHEREAS, RCRV owns a U.S. trademark registration for its INVERTED
24 FLEUR DE LIS DESIGN Trademark (U.S. Trademark Registration No. 3,581,968), a
25 copy of the registration certificate for and photograph of the INVERTED FLEUR DE
26 LIS DESIGN Trademark as it appears on ROCK REVIVAL jeanswear products being
27 attached hereto as Exhibit C and incorporated herein by reference; and

28 WHEREAS, on October 18, 2013, Plaintiffs Sweet People and RCRV filed a

1 Complaint (Dkt. No. 1) alleging that Jean Jacket and Penhasi created, designed,
2 purchased, imported, distributed, offered for sale and/or sold certain jeanswear
3 products bearing designs that infringe their rights in and to the Sweet People
4 Copyrighted Designs, Sweet People's FABRIC CUT OUT DESIGN Trademark and
5 RCRV's INVERTED FLEUR DE LIS DESIGN Trademark, including those attached
6 hereto as Exhibit D and incorporated herein by reference; and

7 WHEREAS, the Court has jurisdiction over the subject matter of this action and
8 over Plaintiffs Sweet People and RCRV and Defendants Jean Jacket and Penhasi, and
9 venue in this action being proper in this judicial district; and

10 WHEREAS, Plaintiffs Sweet People and RCRV and Defendants Jean Jacket and
11 Penhasi have consented to the entry of this Permanent Injunction Order in full and final
12 resolution of the claims asserted between and among them in the Civil Action, as
13 follows:

14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

15 1. Jean Jacket, its respective subsidiaries, affiliates, divisions, officers,
16 directors, principals, servants, employees, successors and assigns, including its
17 President, Kaymar Penhasi, and all those in active concert or participation with Jean
18 Jacket, or under its direct or indirect control, including manufacturers, suppliers,
19 distributors and retailers who receive notice of this Permanent Injunction Order, are
20 hereby enjoined, restrained and prohibited from:

21 a. Manufacturing, designing, creating, copying, imitating, importing,
22 exporting, distributing, supplying, marketing, advertising, promoting, offering for sale
23 or selling any product bearing a design that is substantially similar in overall
24 appearance to, or making any other unauthorized use of, any design that is the subject
25 of a U.S. copyright registration owned by Sweet People or RCRV, whether such design
26 is registered at the time of entry of this Permanent Injunction Order, or registered
27 thereafter, so as to constitute an infringement of such registered design in violation of
28 the U.S. Copyright Act, as amended, 17 U.S.C. § 101 *et seq.*; and/or

1 b. Manufacturing, designing, creating, copying, imitating, importing,
2 exporting, distributing, supplying, marketing, advertising, promoting, offering for sale
3 or selling any product bearing a design that is confusingly similar to, or making any
4 other unauthorized use of, any design that is the subject of a U.S. trademark
5 registration owned by Sweet People or RCRV, whether such design is registered at the
6 time of entry of this Permanent Injunction Order, or registered thereafter, so as to
7 constitute an infringement of such registered design in violation of the Lanham Act, as
8 amended, 15 U.S.C. § 1051 *et seq.*

9 2. Within ten (10) days following entry of this Permanent Injunction Order,
10 Jean Jacket shall provide a copy of this Permanent Injunction Order to its
11 manufacturers, suppliers, distributors and retail and wholesale customers of any
12 products bearing designs that Plaintiffs have alleged infringe their rights in and to the
13 Sweet People Copyrighted Designs, Sweet People's FABRIC CUT OUT DESIGN
14 Trademark and RCRV's INVERTED FLEUR DE LIS DESIGN Trademark, to the
15 extent such manufacturers, suppliers, distributors and retail and wholesale customers
16 may be located through reasonable efforts.

17 3. Plaintiffs, Jean Jacket and Penhasi have acknowledged that, due to Jean
18 Jacket's record keeping practices, the monetary relief to which Plaintiffs would be
19 entitled as a result of a violation of any of the terms in Paragraphs 1(a)-(b) of this
20 Permanent Injunction Order may not be readily ascertainable. Accordingly, in the
21 event of any violation by Jean Jacket and/or Penhasi of Paragraphs 1(a)-(b) of this
22 Permanent Injunction Order, in addition to any equitable relief to which Plaintiffs may
23 be entitled, the Parties agree that Jean Jacket and Penhasi shall be liable to Plaintiffs, at
24 Plaintiffs sole option, as follows:

25 (a) Plaintiffs' actual damages as provided for in 17 U.S.C. § 504(b) of
26 the U.S. Copyright Act and 15 U.S.C. § 1117(a) of the Lanham Act and/or a
27 disgorgement of Jean Jacket's profits, as provided for in 17 U.S.C. § 504(b) of the U.S.
28 Copyright Act and 15 U.S.C. § 1117(a) of the Lanham Act; or

1 (b) The liquidated sum of Fifty Thousand Dollars (\$50,000) per
2 infringement in the case of Paragraphs 1(a)-(b), as the Parties have agreed that such
3 sum is reasonably proportionate to Plaintiffs' foreseeable losses for any violation of the
4 terms of Paragraphs 1(a)-(b) of this Permanent Injunction Order.

5 4. The Court retains jurisdiction of this action for the purpose of enforcing
6 the provisions of this Permanent Injunction Order, and the Parties' Settlement
7 Agreement, by way of contempt motion or otherwise.

8 5. The Parties waive any right to appeal this Permanent Injunction Order.

9 6. The Parties agree that each Party shall bear its own costs and fees
10 associated with this Permanent Injunction Order and the Civil Action.

11 **IT IS SO ORDERED.**

12
13 DATED: August 19, 2014



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15 _____
Gary A. Feess

16 **JS-6** UNITED STATES DISTRICT JUDGE
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17 By: _____
18 Nico N. Tabibi

19 *Attorneys for Defendants*
20
21
22
23
24
25
26
27
28

EXHIBIT A

EXHIBIT A**Certificate of Registration**

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-827-438

Effective date of
registration:
June 8, 2012

Title

Title of Work: Tribal Deco JW5416B

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: February 15, 2012

Nation of 1st Publication: United States

Author

Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied to Clothing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Sweet People Apparel, Inc.

4715 S. Alameda St., Los Angeles, CA, 90058

Rights and Permissions

Organization Name: Sweet People Apparel, Inc.

Name: Lilly Kim

Email: lillykim@missme.com

Telephone: 323-235-7307

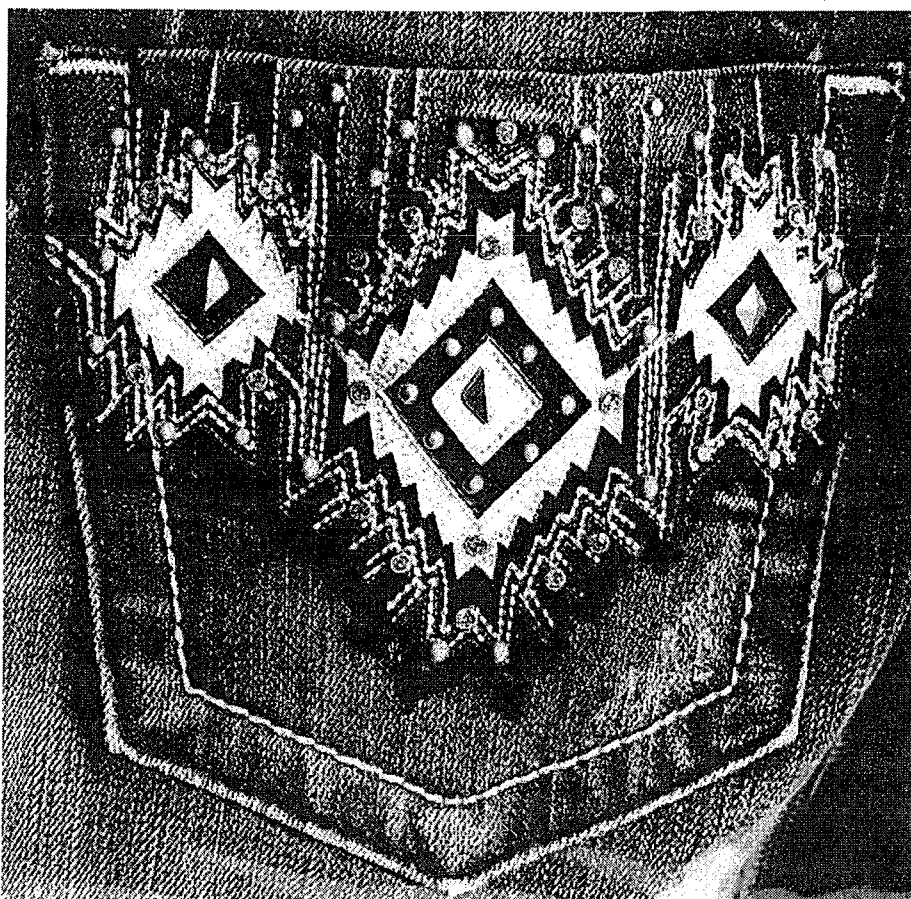
Address: 4715 S. Alameda St.

Los Angeles, CA 90058

Certification

Name: Lilly Kim

Date: June 8, 2012



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-796-810

Effective date of
registration:
December 1, 2011

Title

Title of Work: Cypress Paisley JW5367B

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: June 20, 2011

Nation of 1st Publication: United States

Author

Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied to Clothing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Sweet People Apparel, Inc.

4715 S. Alameda St., Los Angeles, CA, 90058

Rights and Permissions

Organization Name: Sweet People Apparel, Inc.

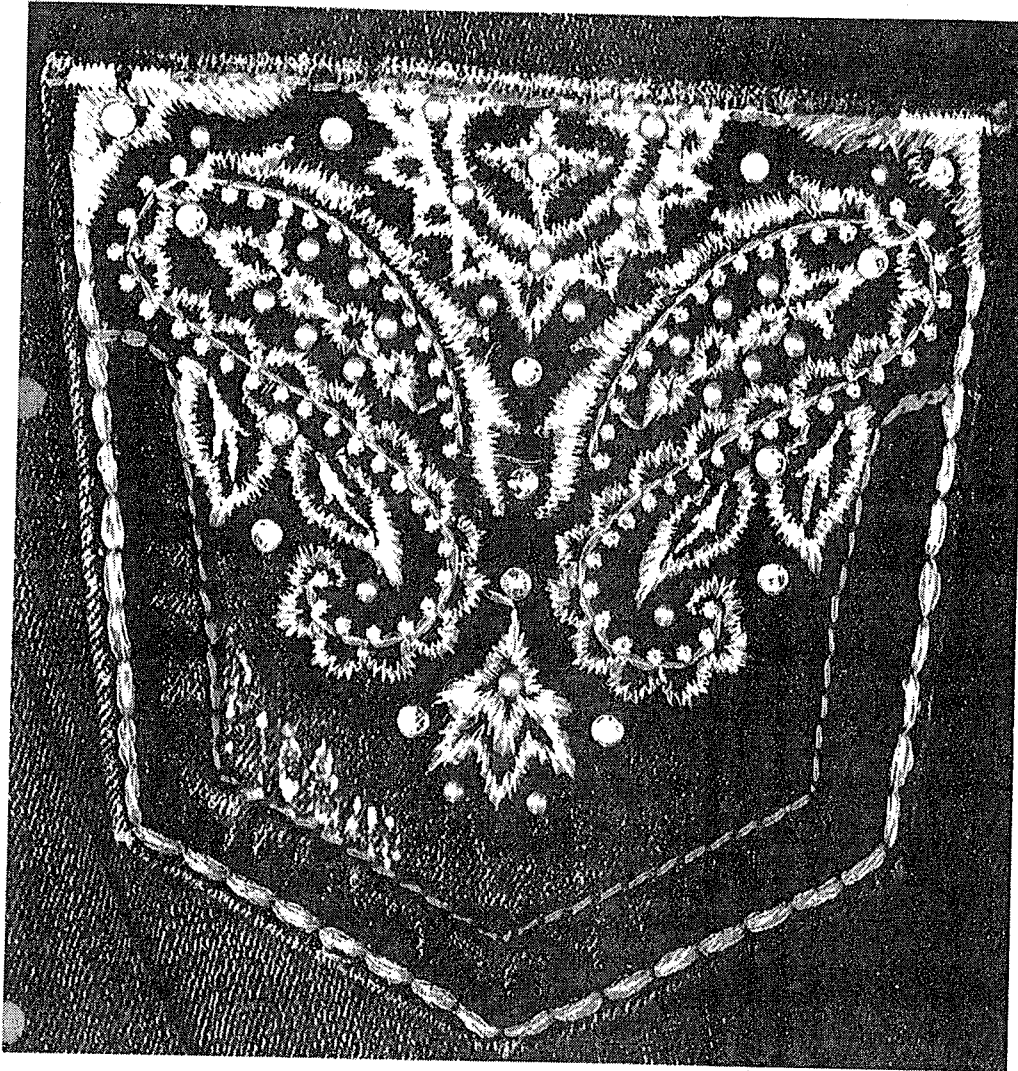
Address: 4715 S. Alameda St.

Los Angeles, CA 90058

Certification

Name: Lilly Kim

Date: December 1, 2011



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VA 1-418-846

RECEIVED

RECEIVED WITH NO FURTHER ACTION

May 23 2007

1 **Title of This Work** **JP 4369 BACK POCKET DESIGN** **NATURE OF THIS WORK** **Fabric Design**

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Page

2 **NAME OF AUTHOR** **Sweet People Apparel, Inc.** **DATES OF BIRTH AND DEATH** Year Born Year Died

NOTE Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No

Author's Nationality or Domicile Name of Country OR Citizen of Domiciled in

Was This Author's Contribution to the Work Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing

☒ 2-Dimensional artwork ☐ Photograph ☐ Text

☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

3 **Name of Author** **Sweet People Apparel, Inc.** **Dates of Birth and Death** Year Born Year Died

Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No

Author's Nationality or Domicile Name of Country OR Citizen of Domiciled in

Was This Author's Contribution to the Work Anonymous? ☐ Yes ☒ No Pseudonymous? ☐ Yes ☒ No

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing

☐ 2-Dimensional artwork ☐ Photograph ☐ Text

☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

4 **Year in Which Creation of This Work Was Completed** **2006** **Date and Notice of First Publication of This Particular Work** Month **OCTOBER** Day **03** Year **2006**

5 **Copyright Claimant(s)** Name and address must be given even if the claimant is the same as the author given in space 2. **Sweet People Apparel, Inc.**
4715 S. Alameda St., Los Angeles, CA 90058

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED
MAY 23 2007
ONE COPY RECEIVED
MAY 23 2007
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

MORE ON BACK • Complete all applicable spaces (numbers 5-8) on the reverse side of this page
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY	FORM VA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

(b) Yes ☐ No ☐ If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☒ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author or copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer to "Yes," give: Previous Registration Number

VAN713-797

Year of Registration 2006

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip

Eric Choi / Sweet People Apparel, Inc.
4715 S. Alameda St., Los Angeles, CA 90058

Area code and daytime telephone number (323) 235-7352

Fax number (323) 235-7344

Email ericchoi@missme.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one

- ☐ author
☐ other copyright claimant
☒ owner of exclusive right(s)
☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Eric Choi

Date April 9, 2007

Handwritten signature (X)

X

Certificate will be mailed in window envelope to this address:

Name
Eric Choi / Sweet People Apparel, Inc.
 Number/Street
4715 S. Alameda Street
 City/State/Zip
Los Angeles, CA 90058

Complete all necessary sections
 Sign your application in space 8
 1. Application form
 2. Non-refundable filing fee in check or money order payable to Register of Copyrights
 3. Deposit material
 Library of Congress
 Copyright Office
 101 Independence Avenue SE
 Washington, DC 20540-4000

*17 USC §508(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statements filed in connection with the application, shall be fined not more than \$2,500.

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Maurin A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-807-380

Effective date of
registration:
December 28, 2011

Title

Title of Work: Split Fleur de Lis JW530TB3

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: January 3, 2011

Nation of 1st Publication: United States

Author

Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied to Clothing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Sweet People Apparel, Inc.

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Organization Name: Sweet People Apparel, Inc.

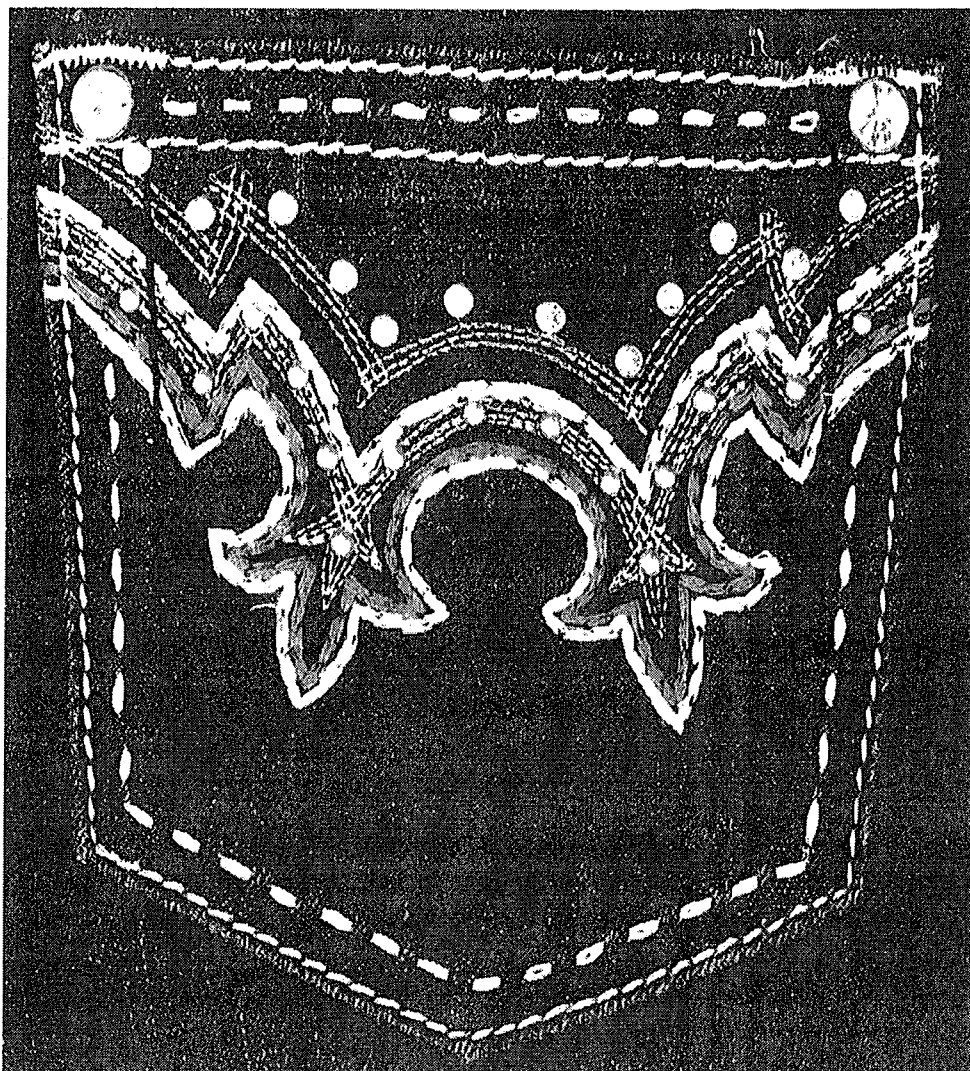
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Register of Copyrights, United States of America

Registration Number

VA 1-785-057

Effective date of
registration:

August 4, 2011

Title

Title of Work: CrossRoads JP5072

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: October 27, 2009

Nation of 1st Publication: United States

Author

Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied to Clothing

Work made for hire: Yes

Domestic to: United States

Copyright claimant

Copyright Claimant: Sweet People Apparel, Inc.

4715 S. Alameda Street, Los Angeles, CA, 90058, United States

Rights and Permissions

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Address: 4715 S. Alameda Street

Los Angeles, CA 90058 United States

Certification

Name: Alan C. Veronick

Date: August 4, 2011

Applicant's Tracking Number: 21406.001

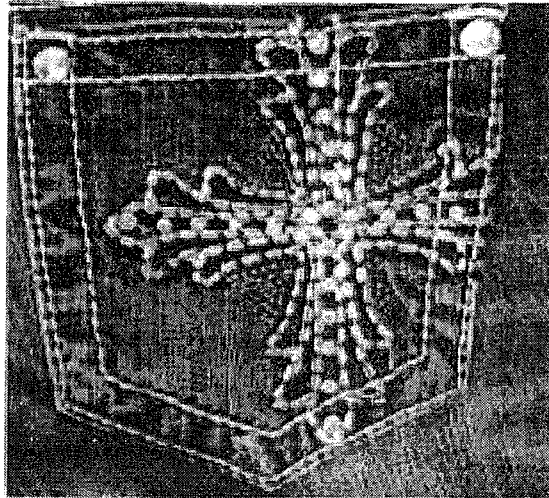
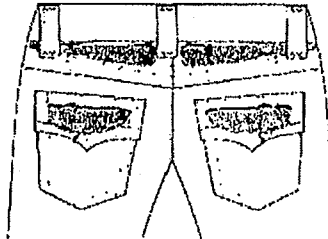


EXHIBIT B

EXHIBIT B**United States of America**
United States Patent and Trademark Office**Reg. No. 4,065,486****Registered Dec. 6, 2011****Int. Cl.: 25****TRADEMARK****PRINCIPAL REGISTER**SWEET PEOPLE APPAREL, INC. (CALIFORNIA CORPORATION)
4715 S. ALAMEDA ST.
LOS ANGELES, CA 90058

FOR: APPAREL, NAMELY, JEANS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39)

FIRST USE: 9-29-2005; IN COMMERCE 9-29-2005.

OWNER OF U.S. REG. NO. 3,994,338.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE SHAPES OF THE POCKETS OR THE POCKET FLAPS, OR THE STITCHING APPEARING ON THE POCKETS OR THE POCKET FLAPS, WHICH ARE INCLUDED ONLY TO SHOW THE PLACEMENT OF THE MARK ON THE GOODS, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A FABRIC CUT OUT DESIGN ON THE POCKET FLAP AND UNDER THE WAIST OF THE PANTS. THE AREA OF THE CUTOUT IS REPLACED WITH A FABRIC INSERT WHICH DIFFERS IN DESIGN FROM THE REMAINING PANTS FABRIC.

SEC. 2(F).

SER. NO. 85-041,342, FILED 5-18-2010.

SUZANNE BLANE, EXAMINING ATTORNEY

*David J. Kypas*

Director of the United States Patent and Trademark Office

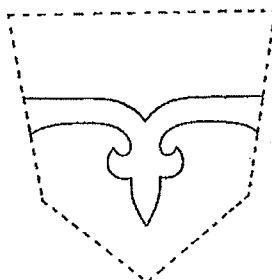


EXHIBIT C

EXHIBIT C

United States of America

United States Patent and Trademark Office

**Reg. No. 4,248,371****Registered Nov. 27, 2012****Int. Cl.: 25****TRADEMARK****PRINCIPAL REGISTER**

RCRV, INC. (CALIFORNIA CORPORATION)
4715 S. ALAMEDA STREET
LOS ANGELES, CA 90058

FOR: APPAREL, NAMELY, JEANS, SHORTS AND SKIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

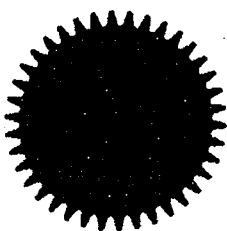
FIRST USE 11-23-2005; IN COMMERCE 3-17-2006.

THE MARK CONSISTS OF A THREE-DIMENSIONAL DESIGN FEATURE CONSISTING OF A STYLIZED INVERTED FLEUR DE LIS DESIGN STITCHED ON THE BACK POCKET OF A JEANS PRODUCT, DEPICTED IN THE DRAWING AS A SOLID BLACK LINE. THE DOTTED OUTLINE OF THE GOODS IS INTENDED TO SHOW THE POSITION OF THE MARK AND IS NOT PART OF THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-330,951, FILED 5-26-2011.

MARK SPARACINO, EXAMINING ATTORNEY



David J. Kygas

Director of the United States Patent and Trademark Office



EXHIBIT D

EXHIBIT D